

1982 WL 189351 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1982

*1 Mr. Michael S. Wingard
Senior Assistant Comptroller General
P. O. Box 11228
Columbia, South Carolina 29211

Dear Mr. Wingard:

This is to acknowledge receipt of and thank you for your letter of June 28, 1982. You have posed two questions in your letter:

1. Whether the 1982-83 General Appropriations Act permits employees of the House of Representatives to receive merit increases in a lump sum as occurred during the 1981-82 fiscal year; and
2. Whether the proviso in the 1982-83 General Appropriation Act which permits the Senate Operations and Management Committee to allocate salary adjustments for State employees in such manner as it deems appropriate, would permit salary adjustments in a manner different than permitted for classified State employees.

It is also my understanding that you need an opinion on the first question immediately so this letter will serve as a response to your first question only. I shall continue to research the second question and shall provide you with a response in the near future.

It is my understanding from our discussions that during the 1981-82 fiscal year, employees of the House of Representatives were paid their merit increases in a lump sum on their review date rather than being paid such increases proportionately throughout the year. The authority to make the payment in this manner was based upon a provision in the 1981-82 General Appropriations Act: That by August 30, 1981, the Speaker of the House, after consultation with the Operations and Management Committee and the Standing Committee Chairman, shall develop and implement a merit compensation plan for employees of the House.

The 1981-82 General Appropriations Act also provided:

That, notwithstanding any other provision of law, legislative employees designated (P) or (PPT) shall receive base pay increases and average merit increases in the same manner as such increases are granted to classified State employees.

The 1982-83 General Appropriations Act, while containing the latter provision, does not include the former provision. Since the former provision was contained in the non-permanent section of the General Appropriations Act, it will lapse as of June 30, 1982, (see, 1941-42 Op.Atty.Gen. 281) and there will be no provision in the 1982-83 Act to pay employees of the House of Representatives in a manner other than provided for classified State employees. Therefore, it is the opinion of this office that merit increases can only be paid proportionately throughout the forthcoming fiscal year rather than as a lump sum on the employee's review date.

I hope this response to your first question is sufficient; if you should have any further questions, please do not hesitate to contact me.

Very truly yours,

Richard B. Kale, Jr.

Senior Assistant Attorney General

1982 WL 189351 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.